



TOWN COUNCIL – AGENDA REQUEST FORM

THIS FORM WILL BECOME PART OF THE BACKGROUND INFORMATION USED BY THE COUNCIL AND PUBLIC

Please submit Agenda Request Form, **including back up information, 8 days prior** to the requested meeting date. **Public Hearing requests must be submitted 20 days prior to the requested meeting date to meet publication deadlines** (exceptions may be authorized by the Town Manager, Chairman/Vice Chair).

MEETING INFORMATION

Date Submitted: March 29, 2021 Date of Meeting: April 8, 2021
Submitted by: Dawn Tuomala on behalf of Time Required: 15 minutes
Leonard Amadeo
Department: Merrimack Public Works Background Info. Supplied: Yes No
Speakers: Leonard Amadeo & Dawn Tuomala

CATEGORY OF BUSINESS (PLEASE PLACE AN "X" IN THE APPROPRIATE BOX)

Appointment:	<input type="checkbox"/>	Recognition/Resignation/Retirement:	<input type="checkbox"/>
Public Hearing:	<input type="checkbox"/>	Old Business:	<input type="checkbox"/>
New Business:	<input checked="" type="checkbox"/>	Consent Agenda:	<input type="checkbox"/>
Nonpublic:	<input type="checkbox"/>	Other:	<input type="checkbox"/>

TITLE OF ITEM

Relocation of Drainage Easement

DESCRIPTION OF ITEM

Relocation of drainage easement to insure a building permit can be issued for a single car detached garage project and will not interfere with new location of drainage easement.

REFERENCE (IF KNOWN)

RSA:	Warrant Article:
Charter Article:	Town Meeting:
Other:	N/A:

EQUIPMENT REQUIRED (PLEASE PLACE AN "X" IN THE APPROPRIATE BOX)

Projector:	<input type="checkbox"/>	Grant Requirements:	<input type="checkbox"/>
Easel:	<input type="checkbox"/>	Joint Meeting:	<input type="checkbox"/>
Special Seating:	<input type="checkbox"/>	Other:	<input type="checkbox"/>
Laptop:	<input checked="" type="checkbox"/>	None:	<input type="checkbox"/>

CONTACT INFORMATION

Name:	Leonard Amadeo	Address:	14 Acacia Street
Phone Number:	603-262-5495	Email Address:	Len.amadeo@gmail.com

APPROVAL

Town Manager: Yes No Chair/Vice Chair: Yes No

Hold for Meeting Date:



TOWN OF MERRIMACK INTER-DEPARTMENT COMMUNICATION

DATE: March 26, 2021
AT (OFFICE): Department of Public Works

FROM: Dawn B. Tuomala, PE, LLS, CWS
Deputy Director/Town Engineer

To: Eileen Cabanel,
Town Manager

SUBJECT: **Drainage Easement Relocation**
The Amadeo Revocable Trust
14 Acacia Street
Tax Map 4C Lot 74

Len Amadeo, Trustee of The Amadeo Revocable Trust has requested that a drainage easement that runs through his property be relocated. I have been working with him to create a plan, a deed and an release of the original easement that is satisfactory. The new Plan, the Easement Deed and the Release of the existing easement have all been reviewed by the Town Attorney Steven Whitley (for Keriann). All of the required changes have been incorporated and are acceptable to him.

A copy of the Plan, the Easement deed and the Release are all attached as backup for the meeting. The documents will be signed before the meeting and it will also be notarized by the owners of the property. We are requesting that the Town Council approve this drainage easement relocation and authorize you to sign as their agent. The documents and the plan can then be recorded in the Hillsborough County Registry of Deeds.

Should you have any questions please let me know,
Thank you for your help in this matter.

Dawn

CC: Kyle Fox; Director
File

QUITCLAIM DEED

Leonard R. Amadeo and Diana M. Amadeo, Trustees of the Amadeo Revocable Trust, having a mailing address of 14 Acacia Street, Merrimack, New Hampshire 03054, for consideration paid, grant to The Town of Merrimack, a municipal corporation, having a mailing address of 6 Baboosic Lake Road, Merrimack, New Hampshire 03054, with QUITCLAIM covenants:

A certain drainage easement located on Acacia Street, in the Town of Merrimack, Hillsborough County, New Hampshire, being shown as Proposed 20' Drainage Easement on a plan of land entitled "Proposed Easement Plan Land Of: The Amadeo Revocable Trust, Tax Map 4C Lot 74, 14 Acacia Street Merrimack, New Hampshire, Scale: 1" = 20', December 23, 2020" prepared by Meridian Land Services, Inc., and recorded in the Hillsborough County Registry of Deeds as Plan No. _____, reference to which plan may be made for a more particular description.

The drainage easement shall allow the Grantee the perpetual right to enter upon the "Proposed 20' Drainage Easement" area described at any time that the Grantee, its successors or assigns may see fit to construct, maintain, or repair natural drainage areas and/or to construct, maintain or repair underground pipelines, catch basins and/or drains, together with the right to excavate and refill ditches and/or trenches for the location of pipelines, catch basins and/or drains and to generally use the easement area for drainage purposes. The Grantee, in accepting the easement agrees that it shall repair and resurface any disruption caused by it to paved areas, returning same to its previous condition, and shall regrade, replant and reseed any disruption caused by it to landscaped areas; and that, except in emergency situations, it shall provide the Grantor, its successors and assigns, with 48 hours' notice of any maintenance or repairs to be performed. The Grantor, its successors and assigns shall have the right to cross and otherwise utilize the easement area for reasonable purposes but shall not erect or place any structure that encroach, on, above or below the easement area and shall not plant any trees within the easement area. Trees may be allowed on the edge of the easement to the extent that damage to the drainage system does not occur from root intrusion and still allows for vehicular access for repairs. **TRANSFER EXEMPT FROM TAX UNDER N.H. RSA 78-B:2, I**

For title reference see deed of Leonard R. Amadeo and Diana M. Amadeo to the within grantor, dated January 19, 2018 and recorded at the Hillsborough County Registry of Deeds in Book 9046, Page 1363.

Dated this _____ day of _____, 2021.

Amadeo Revocable Trust

By: _____
Leonard R. Amadeo, Trustee

By: _____
Diana M. Amadeo, Trustee

STATE OF NEW HAMPSHIRE
COUNTY OF HILLSBOROUGH
_____, 2021

Personally appeared Leonard R. Amadeo and Diana M. Amadeo, Trustees of the Amadeo Revocable Trust, and acknowledged the foregoing instrument to be their voluntary act and deed, on behalf of the Trust.

Before me,

Notary Public
My Commission Expires:

Dated this _____ day of _____, 2021.

Town of Merrimack

Witness:

By: _____
Eileen Cabanel, Town Manager

RELEASE OF EASEMENT

NOW COMES, **Leonard R. Amadeo and Diana M. Amadeo, Trustees of the Amadeo Revocable Trust**, having a mailing address of 14 Acacia Street, Merrimack, New Hampshire 03054, owners of land by deed dated January 19, 2018 and recorded at the Hillsborough County Registry of Deeds in Book 9046, Page 1363, located on Acacia Street, Merrimack, New Hampshire, being the party burdened by the below described easement, and the **Town of Merrimack**, a municipal corporation, having a mailing address of 6 Baboosic Lake Road, Merrimack, New Hampshire 03054, being the party benefitted by the below described easement, and hereby acknowledge and confirm:

To release and extinguish whatever rights may exist with regard to a certain drainage easement located on Acacia Street, in the Town of Merrimack, Hillsborough County, New Hampshire, being shown as Portion of Existing 20' Drainage Easement To Be Released on a plan of land entitled "Proposed Easement Plan Land Of: The Amadeo Revocable Trust Tax Map 4C Lot 74 14 Acacia Street Merrimack, New Hampshire Scale: 1" = 20' December 23, 2020" prepared by Meridian Land Services, Inc., and recorded in the Hillsborough County Registry of Deeds as Plan No. _____, reference to which plan may be made for a more particular description.

The drainage easement is shown on a certain plan entitled "Subdivision Consolidation Plan, 'Brookfield Acres II', Merrimack, N.H., Prepared for & Offered by Robert McLaughlin", dated January, 1974, revised 2/13/80, and recorded in the Hillsborough County Registry of Deeds as Plan No. 15902. Subsequent to the recording of Plan 15902, the chain of title for the property burdened by this easement has contained a reservation for the within described drainage easement, and from that time to the present the then owner of record has been burdened by the easement and the Town has enjoyed its benefit.

Dated this _____ day of _____, 2021

Amadeo Revocable Trust

Witness to both:

By: _____
Leonard R. Amadeo, Trustee

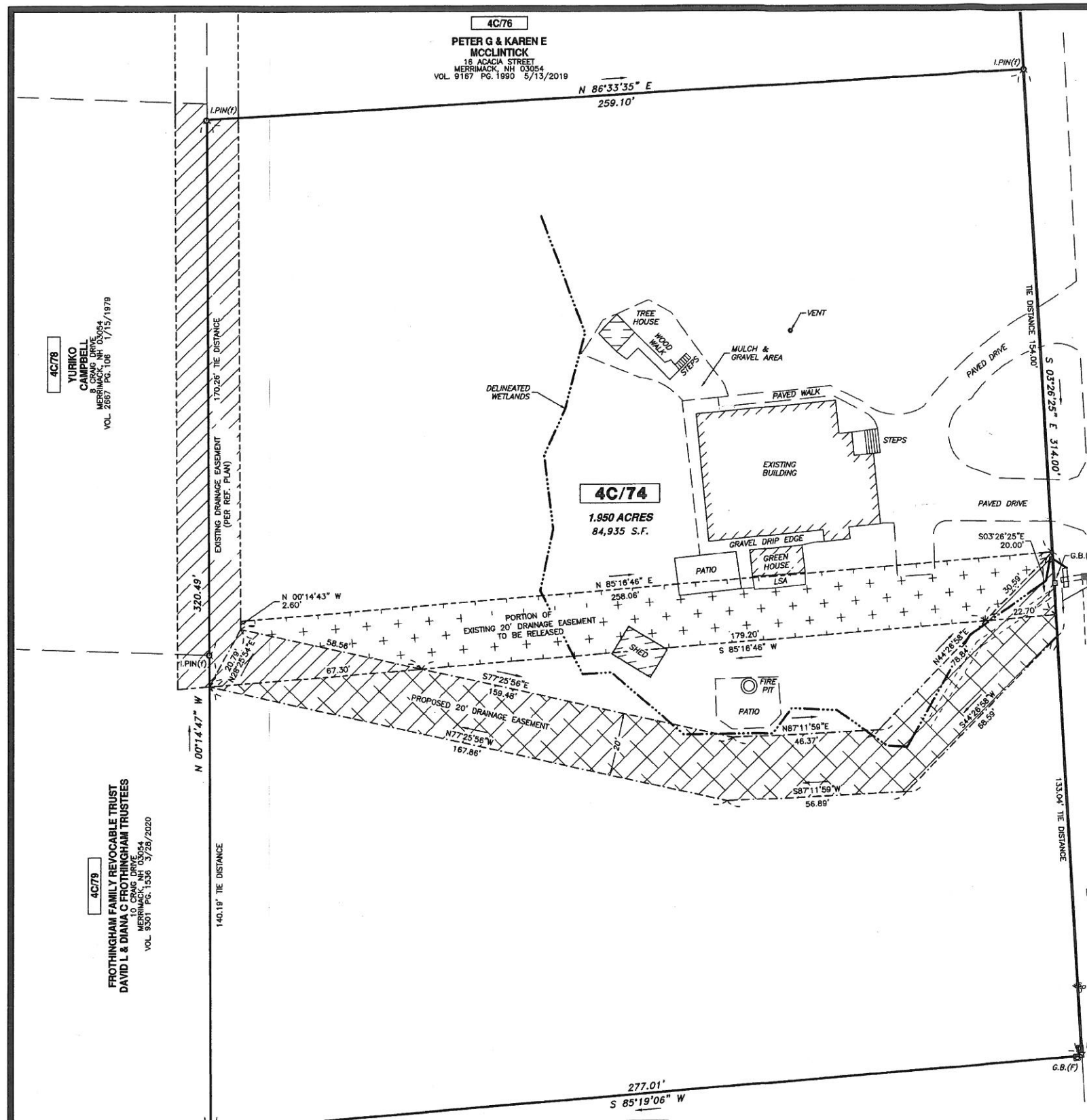
By: _____
Diana M. Amadeo, Trustee

Dated this _____ day of _____, 2021

Town of Merrimack

Witness:

By: _____
Eileen Cabanel, Town Manager



ACACIA STREET

4C/76
PETER G & KAREN E
MICCLINTICK
 18 ACACIA STREET
 MERRIMACK, NH 03054
 VOL. 9167 PG. 1990 5/13/2019

4C/74
1.950 ACRES
84,935 S.F.

4C/73
NICHOLAS A. SARETTE &
REBECCA H. BATCHELDER
 10 ACACIA STREET
 MERRIMACK, NH 03054
 VOL. 9318 PG. 2264 7/10/20

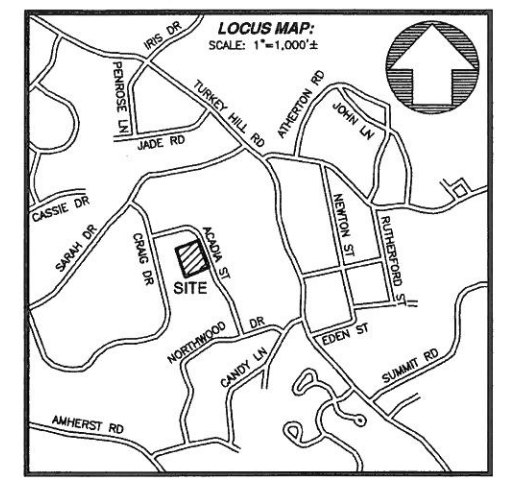
4C/108
ELLEN L
JUSTASON
 15 ACACIA STREET
 MERRIMACK, NH 03054
 VOL. 5479 PG. 198 10/1/1993

4C/109
KEITH F & LORI
LIBERTY
 11 ACACIA STREET
 MERRIMACK, NH 03054
 VOL. 5644 PG. 863 7/28/1995

4C/110
DONN W & PATRICIA A
WITZENBOCKER
 9 ACACIA STREET
 MERRIMACK, NH 03054
 VOL. 5990 PG. 1033 9/2/1998

4C/78
YURIKO
CAMPBELL
 8 GRAND DRIVE
 MERRIMACK, NH 03054
 VOL. 2687 PG. 106 1/15/1979

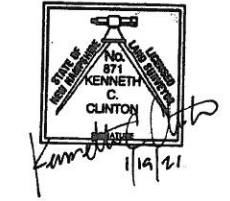
4C/79
FROTHINGHAM FAMILY REVOCABLE TRUST
DAVID L. & DIANA C. FROTHINGHAM TRUSTEES
 10 GRAND DRIVE
 MERRIMACK, NH 03054
 VOL. 9301 PG. 1536 3/28/2020



REFERENCE PLAN:
 "SUBDIVISION & CONSOLIDATION PLAN - BROOKFIELD ACRES II - MERRIMACK, N.H. - PREPARED FOR & OFFERED BY ROBERT MCLAUGHLIN - OSCAR BIGWOOD" SCALE: 1"=100', DATED JANUARY 1974 AND LAST REVISED 2/13/80, PREPARED BY ALLAN H. SWANSON AND RECORDED AT THE H.C.R.D. AS PLAN NO. 15902.

- NOTES:**
1. THE PURPOSE OF THIS PLAN IS TO DEPICT THE PROPOSED RELOCATION OF A PORTION OF THE DRAINAGE EASEMENT LOCATED ON TAX MAP 4C LOT 73.
 2. THE OWNER OF TAX MAP 4C LOT 7 IS THE AMADEO REVOCABLE TRUST, DIANA M. & LEONARD AMADEO TRUSTEES, 14 ACACIA STREET, MERRIMACK, NH 03054. SEE H.C.R.D. VOL. 9046 PG. 1363 DATED 1/19/18.
 3. THE EXISTING OBSERVABLE IMPROVEMENTS SHOWN HEREON ARE THE RESULT OF AN ON-SITE FIELD SURVEY PERFORMED BY THIS OFFICE ON OCTOBER 19, 2020.
 4. PLAN ORIENTATION IS PER THE REFERENCE PLAN NOTED HEREON.
 5. EXISTING LOT AND EASEMENT LINES SHOWN ARE PER THE REFERENCE PLAN NOTED HEREON. THIS IS NOT TO BE CONSIDERED A BOUNDARY SURVEY BY THIS OFFICE.

CERTIFICATION:
 "I HEREBY CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN (RSA 676:18, III & 672:14)."

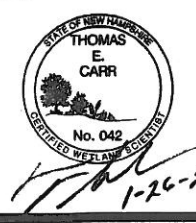


PROPOSED EASEMENT PLAN
LAND OF:
THE AMADEO
REVOCABLE TRUST
TAX MAP 4C LOT 74
14 ACACIA STREET
MERRIMACK, NEW HAMPSHIRE
 SCALE: 1" = 20' DECEMBER 23, 2020

- LEGEND:**
- RIGHT-OF-WAY SIDELINE
 - PROPERTY LINE
 - ABUTTING LOT LINE
 - - - PROPOSED EASEMENT LINE
 - - - EXISTING EASEMENT LINE
 - - - EDGE OF PAVEMENT
 - 2-23 EXISTING TAX MAP & LOT NUMBER
 - - - - - EXISTING DRAINAGE EASEMENT TO BE RELEASED
 - XXXXX EXISTING DRAINAGE EASEMENT TO REMAIN
 - XXXXX PROPOSED DRAINAGE EASEMENT
 - EXIST. GRANITE BOUND FOUND
 - EXIST. IRON PIPE FOUND
 - ⊙ EXISTING DRAIN MANHOLE
 - EXISTING CATCH BASIN SQUARE

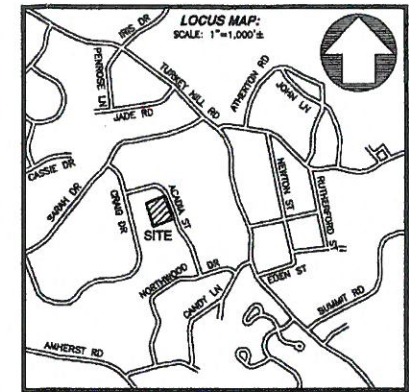
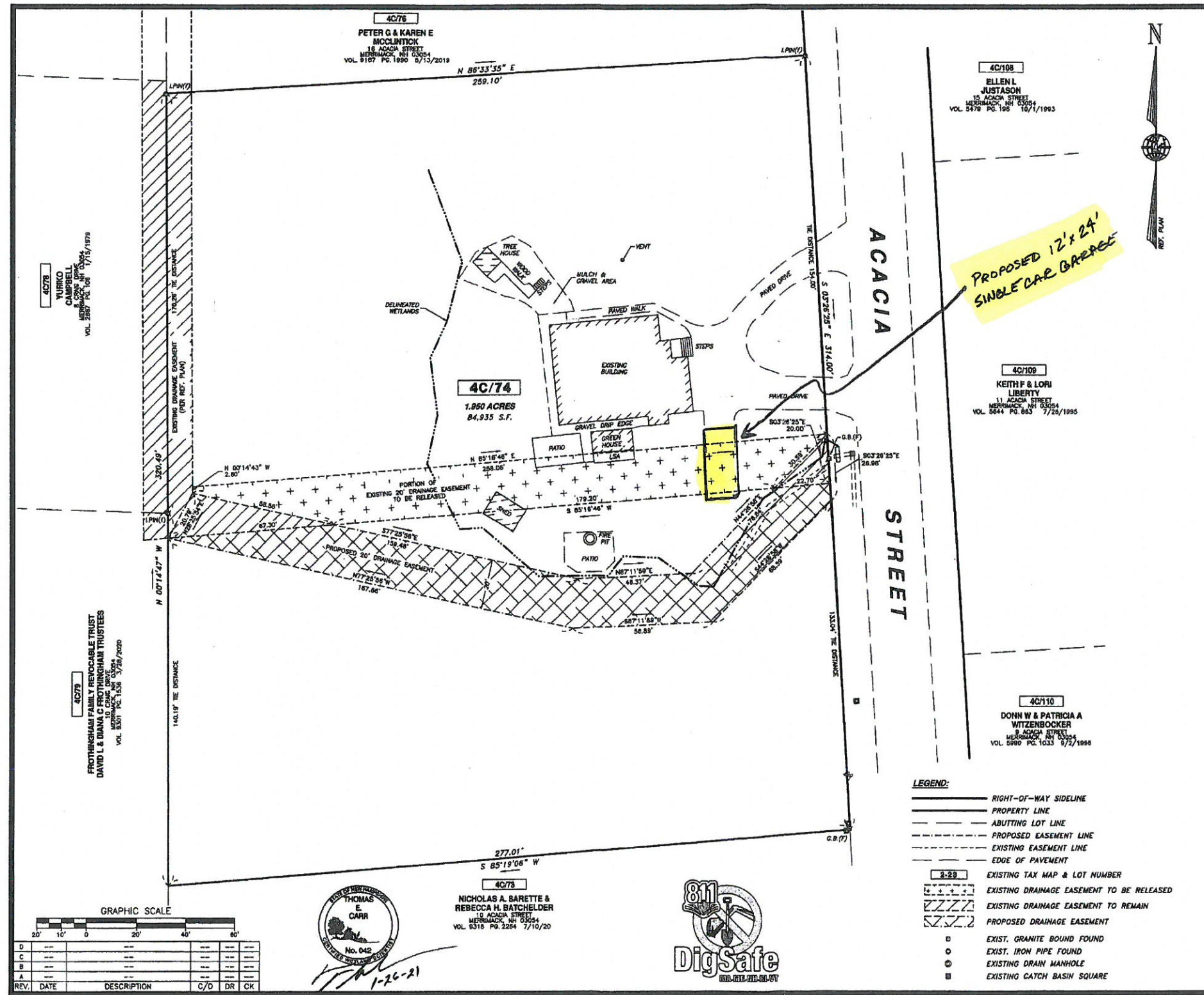
GRAPHIC SCALE

REV.	DATE	DESCRIPTION	C/O	DR	CK
D					
C					
B					
A					



MERIDIAN
LAND SERVICES, INC.
 ENGINEERING | SURVEYING | PERMITTING
 SOIL & WETLAND MAPPING | SEPTIC DESIGN
 31 OLD NASHUA ROAD, AMHERST, NH 03091 TEL. 603-673-1441
 MERIDIANLANDSERVICES.COM FAX 603-673-1584

FILE:8902M01.dwg PROJECT NO. 08902.01 SHEET NO. 1 OF 1



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Signature of **CLINTON C. KENNEDY**, dated 11/19/21.

PROPOSED EASEMENT PLAN
 LAND OF:
THE AMADEO REVOCABLE TRUST
 TAX MAP 4C LOT 74
 14 ACACIA STREET
 MERRIMACK, NEW HAMPSHIRE
 SCALE: 1" = 20' DECEMBER 23, 2020

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 31 OLD MASHUA ROAD, AMHERST, NH 03051 TEL. 603-673-1441
 MERIDIANLANDSERVICES.COM FAX 603-673-1584

GRAPHIC SCALE

REV.	DATE	DESCRIPTION	C/D	DR	CK
D					
C					
B					
A					



NICHOLAS A. SARETTE & REBECCA H. BATCHELDER
 10 ACACIA STREET
 MERRIMACK, NH 03054
 VOL. 9319 PG. 2264 7/10/20



- LEGEND:**
- RIGHT-OF-WAY SIDELINE
 - PROPERTY LINE
 - ABUTTING LOT LINE
 - PROPOSED EASEMENT LINE
 - EXISTING EASEMENT LINE
 - EDGE OF PAVEMENT
- 2-29**
- EXISTING TAX MAP & LOT NUMBER
 - EXISTING DRAINAGE EASEMENT TO BE RELEASED
 - EXISTING DRAINAGE EASEMENT TO REMAIN
 - PROPOSED DRAINAGE EASEMENT
 - EXIST. GRANITE BOUND FOUND
 - EXIST. IRON PIPE FOUND
 - EXISTING DRAIN MANHOLE
 - EXISTING CATCH BASIN SQUARE

1/19/2021 10:51 AM
 M:\Projects\2020\4C Lot 74\4C Lot 74.dwg
 11/19/21